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9 TRACY HOPE DAVIS

10 UNITED STATES BANKRUPTCY COURT

11 DISTRICT OF NEVADA

12 In re:

13 BANDAR ENTERPRISES, LLC,

14 Debtor.

15 Case No: 23-11160-abl

16 Chapter 11

Date: July 26, 2023

Time: 1:30 p.m.

Place: Telephonic

17 **DECLARATION OF KRISTINE R. KINNE IN SUPPORT OF**
18 **MOTION OF THE UNITED STATES TRUSTEE UNDER 11 U.S.C.**
19 **§ 1112(b) AND FEDERAL RULES OF BANKRUPTCY PROCEDURE**
1017(f) AND 9014 TO DISMISS OR CONVERT CHAPTER 11 CASE

20 I, Kristine R. Kinne, declare as follows:

21 1. I am employed as a Bankruptcy Analyst in the Reno, Nevada Office of the United
22 States Trustee, Region 17 (“United States Trustee”).

23 2. I am the Bankruptcy Analyst assigned to the above-captioned chapter 11 case. I
24 have personal knowledge of the facts set forth herein. To the extent I base my testimony upon
25 information and belief or upon admissible evidence other than my personal knowledge, I will
26 specifically so state.
27

28

1 3. The United States Trustee is an official of the United States Department of Justice,
2 charged by statute with the duty to oversee and supervise the administration of bankruptcy cases
3 and take action to ensure that all reports, schedules, and fees required under Title 11 are properly
4 and timely filed pursuant to 28 U.S.C. § 586. As part of my duties as a Bankruptcy Analyst, I am
5 responsible for the supervision of chapter 11 cases in the Office of the United States Trustee,
6 Region 17. This supervision includes: monitoring chapter 11 cases; reviewing petitions,
7 schedules, statements and related documents, and pleadings filed by a chapter 11 debtor and
8 other parties in interest; conducting the Initial Debtor Interview (“IDI”) and requesting
9 documents related to the IDI; reviewing Monthly Operating Reports (“MORs”); monitoring plans
10 and disclosure statements; and other such other actions as the United States Trustee deems
11 appropriate.

14 4. This declaration is based upon facts of which I have personal knowledge, as well
15 as judicially-noticeable facts, such as filing dates, apparent from the court’s records in this
16 proceeding. This declaration is made in my official capacity as a representative of the United
17 States Trustee, without waiving the attorney client privilege or the work product privilege.
18

19 5. On March 31, 2023, the United States Trustee sent an e-mail to Debtor’s general
20 bankruptcy counsel scheduling a telephonic IDI for April 13, 2023 and requesting that standard
21 documentation be provided to the United States Trustee for the IDI no later than April 6, 2023.
22

23 6. On April 27, 2023, I sent another e-mail to Debtor’s general bankruptcy counsel
24 continuing the IDI to May 15, 2023 due to Debtor’s pending motion to extend time to file its
25 required schedules and statements. As none of the standard IDI documentation had been
26 provided, I requested that it be provided to the United States Trustee for the continued IDI no
27 later than May 4, 2023.
28

1 7. On May 12, 2023, I sent a follow-up e-mail to Debtor's general bankruptcy
2 counsel indicating that the documentation requested by the United States Trustee for the IDI
3 remained outstanding.

4 8. Despite these repeated requests and reminders, Debtor failed to provide any
5 information and documentation reasonably requested by the United States Trustee in anticipation
6 of the IDI, appear for the initial IDI scheduled for April 13, 2023, or appear for the continued IDI
7 scheduled for May 15, 2023, in this case.

8 9. Based upon my review of the Court's official ECF docket in the above-captioned
9 case, I have determined that Debtor has not filed its first two MORs for the months of April and
10 May 2023 in this case. *See ECF Docket generally.*

11 I declare under penalty of perjury that the foregoing statements are true and correct.

12 Executed in Reno, Nevada on June 21, 2023.

13 _____
14 /s/ *Kristine Kinne*
15 Kristine Kinne
16 Bankruptcy Analyst
17 for the United States Trustee

CERTIFICATE OF SERVICE

I, ANABEL ABAD SANTOS, under penalty of perjury declare: That declarant is, and was when the herein described service took place, a citizen of the United States, over 18 years of age, and not a party to nor interested in, the within action; that on June 21, 2023, I caused a copy of the foregoing

DECLARATION OF KRISTINE R. KINNE IN SUPPORT OF MOTION OF THE UNITED STATES TRUSTEE, UNDER 11 U.S.C. § 1112(b), AND FEDERAL RULES OF BANKRUPTCY PROCEDURE 1017(f) AND 9014, TO DISMISS OR CONVERT CHAPTER 11 CASE

to be served on the following parties:

- a. ECF System (attach Notice of Electronic Filing or list of persons & addresses):

- **PAUL N. ANDONIAN** pandonian@hrhrlaw.com
 - **OGONNA M. BROWN** obrown@lewisroca.com, ogonna-brown-4984@ecf.pacerpro.com,dberhanu@lewisroca.com,ombcalendar@lewisroca.com;jhess@lewisroca.com,klopez@lewisroca.com,rcreswell@lewisroca.com
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 - **U.S. TRUSTEE - LV - 11** USTPRRegion17.lv.ecf@usdoj.gov
 - **JOSEPH G. WENT** jgwent@hollandhart.com, blschroeder@hollandhart.com;IntakeTeam@hollandhart.com
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- b. U.S. Mail, postage fully prepaid (*see separate BNC Certificate of Service*):

I declare under penalty of perjury that the foregoing is true and correct.

Signed: June 21, 2023

/s/ Anabel Abad Santos
Anabel Abad Santos